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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN THEODORE ANDERSON ,

Plaintiff,

v.

PAUL CRIFASI ,

Defendant.

Case No. 2:11-CV-00849-KJD-PAL

ORDER

For the reasons set forth below, the Court dismisses the Complaint (#1) in this action *sua sponte*.

I. Background

Plaintiff John Theodore Anderson is a frequent litigant in the District of Nevada. Hon. Judge James C. Mahan recently dismissed two cases filed by Plaintiff and awarded sanctions against him for harassing and frivolous filings. (See 11-cv-00058-JCM-LRL Doc. 24.) Plaintiff has two cases pending before this Court – Case No. 2:11-cv-00849-KJD -PAL, and Case No. 2:11-cv-00851-KJD-CWH. Paul Crifasi is a defendant in both cases.

1 II. Discussion

2 A. Pro Se Parties

3 Plaintiff is representing himself *pro se*. Courts must liberally construe the pleadings of *pro se*
 4 parties. See United States v. Eatinger, 902 F.2d 1383, 1385 (9th Cir. 1990). However, it is well
 5 established that “[p]ro se litigants must follow the same rules of procedure that govern other
 6 litigants.” King v. Atiyeh, 814 F.2d 565, 567 (9th Cir.1987); Jacobsen v. Filler, 790 F.2d 1362, 1364
 7 (9th Cir.1986) (“pro se litigants in the ordinary civil case should not be treated more favorably than
 8 parties with attorneys of record.”). Further, *pro se* litigants must supply a minimum factual basis for
 9 the claims they assert against defendants. Brazil v. U.S. Dept. of Navy, 66 F.3d 193, 199 (9th Cir.
 10 1995).

11 B. Failure to Comply with Fed. R. Civ. P. 8

12 Fed. R. Civ. P. 8(a) states:

13 A pleading that states a claim for relief must contain:

- 14 (1) a short and plain statement of the grounds for the court’s jurisdiction, unless the court
 15 already has jurisdiction and the claim needs no new jurisdictional support;
 16 (2) a short and plain statement of the claim showing that the pleader is entitled to relief;
 and
 (3) a demand for the relief sought, which may include relief in the alternative or different
 types of relief.

17 Confusing, distracting, ambiguous, and unintelligible pleadings “should not be permitted to
 18 stand in the face of the positive language of our Federal Rules of Civil Procedure.” Schmidt v.
 19 Herrmann, 614 F.2d 1221, 1224, (9th Cir. 1980)(dismissing complaint for failure to comply with
 20 Fed. R. Civ. P. 8) Long, irrelevant, and unclear complaints ... “impose unfair burdens on litigants
 21 and judges” and waste time “prejudicing litigants in other case who follow the rules.” McHenry v.
 22 Renne, 84 F.3d 1172, 1180 (9th Cir. 1996) (upholding dismissal of convoluted complaint and noting
 23 that “the rights of the defendants to be free from costly and harassing litigation must be
 24 considered.”)(quotations omitted).

25 Plaintiff’s Complaint (#1) fails to satisfy even the most generous reading of the Federal
 26 Rules. The Complaint, which is styled “Verified Petition for Libel Review/Judicial Review ‘Within

1 the Admiralty’ and ‘In Rem’ Action Pursuant to 28 USC 1333 and 1337,” is not comprehensible.
 2 Plaintiff seeks relief for a variety of claims. The Complaint lacks a “short and plain statement of the
 3 claim.” It does not give the minimum factual basis for the claims asserted. Instead the Complaint
 4 contains legal arguments, incoherent assertions, and unrecognized claims for relief. The Complaint
 5 also contains more than one hundred pages of attachments which Plaintiff characterizes as
 6 “evidence.” The failure to intelligibly state a factual basis for the claims is sufficient grounds for the
 7 Court to dismiss the complaint.

8 Plaintiff also fails to adequately provide a statement of the Court’s jurisdiction. District
 9 courts are under a continuing duty to establish their own subject matter jurisdiction and may *sua*
 10 *sponte* dismiss actions whenever it appears jurisdiction is lacking. Franklin v. Oregon State Welfare
 11 Div., 662 F.2d 1337, 1342 (9th Cir.1981). Plaintiff asserts jurisdiction under admiralty, but the
 12 complaint does not appear to have any connection to maritime contracts or maritime torts.¹ See
 13 Mediterranean Shipping Company, S.A. v. Ningbo Toptrade Imp., 2008 WL 1723183 (9th Cir. 2008)
 14 (extent of maritime jurisdiction limited to maritime contracts and torts). Accordingly, the Complaint
 15 is dismissed.

16 C. Dismissal with Prejudice

17 In several lawsuits in this district, Plaintiff has demonstrated an inability or unwillingness to
 18 comply with the Federal Rules of Civil Procedure. A complaint which fails to comply with Fed. R.
 19 Civ. P. 8 may be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b). Nevijel v. North Coast
 20 Life Ins. Co. 651 F.2d 671 (9th Cir. 1981). However, prior to dismissing a complaint with prejudice,
 21 district courts should first endeavor to adopt less drastic alternatives. Industrial Building Materials,
 22 Inc. v. Interchemical Corp., 437 F.2d 1336, 1339 (9th Cir. 1970). Accordingly, the Court will permit
 23 Plaintiff to file an amended complaint only if Plaintiff is represented by an experienced and licensed
 24 attorney. If Plaintiff, acting through counsel, decides to file an amended Complaint, it must comply

25
 26 ¹ Plaintiff made a similar unsupported assertion of admiralty jurisdiction before Judge Mahan and the case was
 dismissed *sua sponte*. (See 11-cv-00050-JCM-LRL Doc. 19.)

1 in every respect with the Federal Rules of Civil Procedure. Any amended Complaint should be filed
2 on or before Tuesday December 27, 2011. Failure to file in accordance with this Order will result in
3 dismissal with prejudice.

4 **IT IS HEREBY ORDERED** that the Complaint (#1) is **DISMISSED**.

5 **IT IS FURTHER ORDERED** that Plaintiff, acting through counsel, may file an amended
6 complaint that complies in every respect with this Order and the Federal Rules of Civil Procedure by
7 December 27, 2011. Failure to do so will result in dismissal of the action with prejudice.

8 DATED this 13th day of December 2011.

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12 Kent J. Dawson
13 United States District Judge
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